UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Criminal No. 5:10-CR-240-FL Civil No. 5:12-CV-218-FL

ROSELIO GARCIA-AGUILERA,)	
Petitioner,)	
)	
V.)	<u>O R D E R</u>
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty** (40) days of the filing of this order.

SO ORDERED.

This the 26th day of April, 2012.

/s/Louise W. Flanagan
Louise W. Flanagan
United States District Judge